

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

Veiger
R.II
29760

FILE: B-216962

DATE: November 8, 1984

MATTER OF: Dutchess Electronics Manufacturing Co.,
Inc.

DIGEST:

Agency decision to award a contract to other than the low-priced offeror is not legally objectionable when the low offer is found to be technically acceptable.

Dutchess Electronics Manufacturing Co., Inc. protests the award of a contract to another company by the Naval Regional Contracting Center, Philadelphia, under request for proposals No. N00140-82-R-1320. Dutchess states that it should have received the award because of its lower price.

The documents submitted by the protester indicate that the Navy informed Dutchess, by letter of May 11, 1984, that its proposal would not be included in the competitive range and that further negotiations would not be conducted with it. They also indicate that by letter of September 10, the Navy informed Dutchess of the award of the contract and the amount thereof.

From these documents, it appears that the Navy viewed the Dutchess proposal as technically unacceptable, and for that reason did not consider the proposal to be in the zone of consideration for award. Dutchess does not challenge the evaluation that resulted in the elimination of its proposal from the competitive range. Rather, it complains only that its proposal was lower-priced and represented "a savings to the government of 19.5%." Technically unacceptable proposals, however, need not be considered for award, regardless of the price associated with them, for the simple reason that such proposals will not meet the government's needs. See, e.g., LTV Aerospace Corp., 55 Comp. Gen. 307, 338 (1975), 75-2 CPD ¶ 203, and cases cited therein. Therefore, the Navy's acceptance of a proposal that is higher-priced than the protester's is not legally objectionable.

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The protest is summarily denied.

for *William J. Towler*
Comptroller General
of the United States